

Recommendations:

The LGAC recommends that a Fact Sheet (one-page) be developed laying out the clear messaging of the revised rule. It should also have graphics and a side by side comparison of what the rule currently is and what the revised rule proposes should be developed and included to enhance public understanding of the rule. (LGAC Water Report 2014).

The LGAC believes it is important that EPA is aware of the potential for mixed messages in their communication with local agencies regarding the economic impact of the proposed rule. Based on the Workgroup's 2014 field meetings, local agencies were skeptical of EPA's strong statement that the proposed rule does not change the definition of the Waters of the U.S. Although this statement may be factually correct, what will likely occur in the field is that local agencies will experience a permitting environment in direct contrast to this statement, as jurisdictional assertion is expected to increase. It is important that the EPA and the US Army Corps of Engineers do not understate the impact the rule may have on local jurisdictions. And the economic analysis should include all Clean Water Act programs. (LGAC Water Report 2014)

The LGAC recommends that the EPA continue to evolve and improve its communication with local governments, as well as EJ, agricultural and small communities with respect to the Waters of the United States.

The LGAC recommends that EPA develop Fact Sheets to communicate the proposed changes in the WOTUS rule designed *specifically for locally elected officials*.

The EPA should work with State Municipal Leagues and other intergovernmental information to distribute communication materials for local governments. (LGAC Drinking Water Report 2016)

In its annual or biannual meetings with State Environmental Commissioners, State Public Health Directors and State Agricultural Directors, the EPA should convene a special session on Waters of the U.S. and ways to assist local governments, EJ communities and rural communities. (LGAC Drinking Water Report 2016)

☐ **Question 8- The Workgroup will also develop recommendations on how the EPA can better work with local governments and engage local governments on issues such as: What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply? Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities? Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?**

8.a. **What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply?**

Recommendations:

The LGAC recommends that EPA should consider the impacts of a revised rule on NPDES and Wastewater systems. (Goodman Letter).

The LGAC recommends that EPA consider a bright-line on 'other waters' to provide more clarity on what is jurisdictional under the CWA. For example, it would be well-advised that EPA determine with accuracy what areas are considered to be state or local ecologically significant areas such as source water and drinking water sources, and that states should provide a listing of these areas. (LGAC 2014 Report)

8.b. **Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities?**

Background

The Small Community Advisory Subcommittee (SCAS) of the LGAC investigated in greater depth the agricultural related issues to the WOTUs rule. The SCAS had some observations from the testimony received. Also, several of the SCAS Members are also agricultural producers and work for the Conservation Districts. Due to lack of clear definitions and the Science Advisory Board's Report which contained even more uncertainty on connectivity and how that will be applied.

Agricultural issues remain an area where there is a great deal of uncertainty and confusion regarding WOTUS. The SCAS believes that the agricultural community presents the greatest challenge but also offers the greatest receptivity to recognizing the importance of conservation and protection of our natural resources. Agriculture is a water-dependent business and cannot flourish without adequate supplies of clean and safe water.

Recommendations:

The LGAC recommends that EPA develop a "rural strategy" which would address the issue of Waters of the U.S. on agricultural lands and rural communities. This rural strategy could provide more comprehensive planning and resources to address the full range of water quality and community issues associated with rural America and disadvantaged small communities.

The LGAC recommends that there be consistency between Natural Resources Conservation Services (NRCS) and EPA on interpretation of normal farming practices and that a clear definition of normal farming practices be included. Furthermore, the LGAC recommends a manual of agricultural exemptions be developed and published.

1372 The LGAC recommends that the jurisdiction of farm ponds, artificial lakes and ponds created by
1373 excavation and/or diking dry land for purposes of stock watering, irrigation, settling basins or rice
1374 production be exempt from WOTUS.
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1376 The LGAC recommends that floodplains be established at a level of 50- year, 100- year and 500 -
1377 year for agricultural purposes.
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1379 The LGAC was made aware of the State of Tennessee's Water Quality program, and the LGAC
1380 recommends that the EPA investigate this approach in regard to jurisdictional waters on agricultural
1381 lands.
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1383 The LGAC recommends that EPA facilitate better working relationships with the Corps, especially in
1384 regard to agricultural lands.
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1386 The LGAC recommends that dams and drainages designed for fire prevention be exempt from
1387 WOTUS.
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1389 The LGAC recommends that settling ponds and basins be determined on a regional case by case
1390 specific basis.
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1392 The LGAC recommends increasing the boundaries of riparian areas in the Conservation Reserve
1393 program so that they enhance protection of waters.
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1395 The LGAC recommends that EPA continue to work with NRCS to incentivize farming practices that
1396 improve water quality.
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1398 **Prior Converted Croplands**

1399 *Background:*

1400 The Clean Water Rule excludes Prior Converted Croplands (PCC) from the definition of "waters of the
1401 United States." (existing since 1992). The Rule also provides that even if another federal agency has
1402 deemed land to be PCC, the final authority regarding CWA jurisdiction remains with the EPA. Other
1403 provisions such as Swampbuster also incorporates a PCC exception but are administered by the USDA
1404 under the Food Security Act of 1985. The Act regulates federal benefits for farmers and includes
1405 provisions designed to discourage farming on converted wetlands. Under the Act, farmers who have
1406 altered a wetland after November 28, 1990, to make crop production possible are generally prohibited
1407 from receiving USDA-FSA-administered commodity, disaster, and conservation program benefits.
1408 Likewise, farmers who plant crops on wetlands converted between December 23, 1985, and November
1409 28, 1990, are ineligible for program payments. Generally, drainage systems and other conversions in
1410 place before December 23, 1985, may continue in their existing form. The 2014 Farm Bill also reinstated
1411 a requirement that farmers must comply with Swampbuster provisions to receive crop insurance premium
1412 assistance beginning in 2015. The NRCS is responsible for making wetland determinations for purposes
1413 of USDA farm program eligibility only. Once a certified wetlands determination is made (and given to
1414 the farmer via form NRCS-CPA-026), it is binding on the property. All determinations made after July 3,
1415

1996, are automatically deemed "certified." Determinations made prior to that date may be considered certified if they meet certain conditions. If a certified wetlands determination exists, the NRCS may not issue a new determination, absent a request by the landowner and (1) a determination that natural changes have occurred to the topography or (2) an acknowledgment by NRCS that an error exists in the current report. It is uncertain how changes in the WOTUS rule will change the dates for PCC or Swampbuster provisions.

Recommendations:

A process for determining Prior Converted Croplands should be established with the new changes to the WOTUS rule. For example, what date should the PCC be referred to.

On agricultural lands, the Department of Agriculture should be given authority to make WOTUS jurisdictional determinations. (LGAC 2014 Report)

The LGAC recommends that normal agricultural practices be defined more effectively to achieve the desired results and to be accepted by the agricultural community. Normal farming practices are not limited to those listed and will change with advances in science and technology.

The LGAC recommends consistency of definitions between NRCS, EPA and other agencies involved in these issues. The SCAS believes that a glossary defining what agricultural exemptions are in a glossary will be helpful. Specifically, the LGAC has heard a great deal of concern from Northern Minnesota where there are non-tiled drainage ditches and also from agricultural communities in Georgia.

The LGAC recommends more effective outreach to agricultural communities and small rural communities on this proposed rule.

8.c. Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?

Background

Rule language should not have broad inclusions and cities are concerned that jurisdictional calls will be dependent upon agency judgments and discretion for exclusions. The criteria need to be clear enough that cities do not have to either guess at application of a rule or wait for the agency to interpret a rule that creates uncertainty. It is unworkable for cities to rely on agency judgments and discretion for exclusions. There is a concern about the magnitude of the requests the agencies will be forced to address and the timeliness of the agencies response given any uncertainty of a new rule. Cities cannot be faced with significant delays to address critical storm-water infrastructure while waiting for agency action. Cities should be provided clarity by the agencies so that they can effectively plan and budget for the operation and maintenance of the storm-water collection systems without the uncertainty of the discretion of the agencies and when it will receive that agency judgment. In addition, without a specific exemption for MS4 systems including drains, roads, pipes, curbs, gutters, ditches and other components that channel runoff, as well as non-MS4 storm-water systems and features/components, EPA and Army Corps open the

Recommendations:

■ The EPA should plainly state how this rulemaking will impact storm-water collection systems and clearly exempt those parts of the systems that EPA does not wish to include. (Goodman Letter)□

door for litigation and citizen suits that could determine that they are considered a "Waters of the U.S." and thereby subject to Section 404 permitting and state Water Quality Standards. (Goodman Letter)

■ The EPA specifically exempt green infrastructure from jurisdiction and outline the Agency's understanding of what is included within green infrastructure similar to what was done for agricultural practices for 'normal farming practices'. (Goodman Letter)

IV. Cost to Local Government

Background

The LGAC heard extensive concerns that the US Army Corps of Engineers simply does not have enough resources to effectuate an efficient permit process now or under a new rule without additional resources. An ineffective permit process consumes scarce local, state and federal personnel and financial resources without achieving a value-added return on investment. The revised rule and the permitting process and implementation must recognize the scarcity of these resources such that results are optimized for the level of investment. (LGAC 2014 Report) Delays and additional permitting do not get calculated into a simplistic understanding of affordability of 2 percent of median household income (MHI), which the Agency utilizes to make determinations on significant cost impacts to local communities (Goodman letter).

Recommendations:

■ The LGAC recommends that the EPA continue to coordinate with the US Army Corps of Engineers to ensure that the permit process is predictable and value-added. The proposed rule must be viewed in the context of how it will be implemented to validate that the resource protection outcome is balanced against the economic cost of the permitting process. Local, tribal and state agencies are at the front lines of achieving the goals of the Clean Water Act. Engaging local agencies as collaborative partners in the conversation with EPA and the US Army Corps of Engineers regarding implementation can only improve the process and the desired water resources protection results. (LGAC 2014 Report)

■ The LGAC recommends that EPA better understand the cost and resource implications, especially to local, state and tribal agencies, before drafting the final rule. Local agencies are very concerned about cost, which is exacerbated by the uncertainty in the permitting process. (LGAC 2014 Report)

V. CONCLUSION

The Local Government Advisory Committee (LGAC) provides a strong connection between the EPA and the communities striving to provide clean drinking water and maintain healthy source water. The LGAC's Waters of the United States 2017 Report provides a series of recommendations that offer the EPA practical solutions to complex challenges based on the experience of local and tribal governments. The LGAC is confident that our concepts and approaches can assist the EPA in developing a regulatory framework that inspires communities to act in the interest of clean, safe and affordable drinking water.

Many communities have already invested their resources in green infrastructure, integrated planning and innovation that advances the state of practice. Local, tribal and state governments are already leading clean water initiatives in their jurisdictions. EPA can utilize this experience, captured in the LGAC report, to develop clear, predictable, flexible and locally adaptable approach to regulation.

Thank you to the EPA Administrator and the EPA Team for their partnership with the LGAC in advancing the goal of clean, safe and affordable drinking water across the United States.

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APPENDIX

**Local
Government
Advisory
Committee**



Roster

Waters of the United States
2017 Report

2017 BIOGRAPHIES OF LGAC AND SCAS MEMBERS

Chair of LGAC

The Honorable Bob Dixon (Chair)

Mayor, Greensburg, KS

Greensburg, KS

Chair of SCAS

The Honorable Robert Cope

Commissioner, Planning and Zoning, Salmon, ID

Salmon, ID

LGAC AND SCAS MEMBERS

Region 1

Mr. Rodney Bartlett

Town Administrator

Peterborough, New Hampshire

(SCAS Only)

The Honorable Kim Driscoll

Mayor, City of Salem

Salem, MA

The Honorable Miro Weinberger

Mayor, City of Burlington

Burlington, VT

The Honorable Jill Duson

Councilor, Portland, Maine

Portland, Maine

Region 2

Samara Swanston, Esq.

Counsel to NYC Council Environmental Protection Committee, New York, NY (Appointed)

New York, NY

The Honorable Dawn Zimmer

Mayor, Hoboken, NJ

Hoboken, NJ

The Honorable Manna Jo Greene

County Legislator, Ulster County, NY

District 19 Rosendale, NY

Region 3

The Honorable Sal Panto, Jr.

Mayor, City of Easton

Easton, PA

The Honorable Stephen T. Williams

Mayor, Huntington, WV

Huntington, WV

Region 4

The Honorable Merceria Ludgood

Commissioner, Mobile County

Mobile County, AL

The Honorable Johnny DuPree, Ph.D.

Mayor

Hattiesburg, MS

The Honorable Kitty Barnes

Commissioner, Catawba County, NC

Terrell, NC

The Honorable Hardie Davis

Mayor, City of Augusta, GA

Augusta, GA

Ms. Susan Hann

Director, Planning Palm Bay County Schools, FL

Palm Bay County, FL

Region 5

The Honorable Stephanie Chang

State Representative- House District 6

State of Michigan

The Honorable Victoria Reinhardt
Commissioner, Ramsey County, MN
St. Paul, MN

The Honorable Elizabeth Kautz
Mayor, Burnsville, MN
Burnsville, MN

The Honorable Karen Freeman-Wilson
Mayor, Gary, IN
Gary, IN

Mr. Kevin Shafer, PE
Executive Director, Milwaukee Metropolitan Sewerage District
Milwaukee, WI

Region 6

The Honorable Mark Stodola
Mayor, City of Little Rock
Little Rock, Arkansas

The Honorable Norm Archibald
Mayor, City of Abilene, TX
Abilene, TX

Jeff Witte
Secretary of Agriculture, New Mexico
New Mexico

Dr. Hector Gonzalez, MD
Director of Health Department, Laredo, TX
Laredo, TX

Region 7

Teri Goodmann
Assistant City Manager, City of Dubuque
Dubuque, IA

The Honorable Tom Sloan
State House Representative, State of Kansas
Kansas

Region 8

The Honorable Andy Beerman

City Councilor

Park City, UT

The Honorable Brad Pierce

Council Member, City of Aurora, CO

Aurora, CO

Region 9

The Honorable Cynthia Koehler

Board of Directors, Marin County

Marin County, CA

The Honorable David Bobzien

City Councilmember At-Large - City of Reno

Reno, NV

The Honorable Mary Casillas Salas

Mayor, City of Chula Vista

Chula Vista, CA

Scott Bouchie

Environmental Management and Sustainability Director - City of Mesa

Mesa, AZ

The Honorable Ryan Sundberg

Supervisor, Humboldt County, CA

Humboldt County, CA

Region 10

Susan Anderson

Director, Portland Bureau of Planning and Sustainability

Portland, OR

The Honorable Shawn Yanity

Chairman, Stillaguamish Tribe

Arlington, WA

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1725 **APPENDIX 2**1726 **EPA'S LOCAL GOVERNMENT ADVISORY COMMITTEE (LGAC) DRAFT CHARGE**
1727 **ON 'WATERS OF THE U.S.' (WOTUS)**1728 **OVERVIEW**1729 **Background and Description**

1730 On February 28, 2017, the President signed the Executive Order on *Restoring the Rule of Law, Federalism, and Economic Growth* by
1731 reviewing the "Waters of the United States" Rule (issued June 2015).⁸ The Executive Order gives direction to the Administrator and
1732 Assistant Secretary of the Army for Civil Works to review the final Clean Water Rule (CWR) and "publish for notice and comment
1733 proposed rule rescinding or revising the rule." The E.O. also directs that EPA and the Army "shall consider interpreting the term
1734 navigable waters" in a manner "consistent with Justice Scalia's opinion in *Rapanos*" which includes relatively permanent waters and
1735 wetlands with a continuous surface connection to relatively permanent waters.

1736 part of EPA's efforts to consult with state and local government officials, EPA's Local Government Advisory Committee (LGAC) will
1737 provide its recommendations to the Administrator on revising the definition of "Waters of the United States" (WOTUS) and identifying
1738 ways to reduce the regulatory burden on local communities as well as balance that with environmental protection.

1739 **Project Scope**

1740 The agencies intend to follow an expeditious two-step process to provide certainty with the rule:

- 1741 1) Establish the legal status quo by re-codifying the regulation that was in place prior to issuance of the CWR now
1742 under the U.S. Court of Appeals for the Sixth Circuit's stay of that rule.
- 1743 2) Propose a new definition of Waters of the U.S. that would replace the 2015 CWR that reflects the principles outlined
1744 by Justice Scalia (*Rapanos* plurality opinion).
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1747 The LGAC consists of 36 local, state and tribal government elected and appointed officials representing cities, parishes,
1748 counties, municipalities, and other local political jurisdictions. Local officials are knowledgeable and provide unique
1749 perspectives on issues relating to a revised rule. Further, the LGAC has potential to engage other knowledgeable local
1750 officials with unique valuable on-the-ground perspectives and knowledge. Through this collaborative process, the chartered
1751 LGAC will provide Administrator Pruitt with expeditious and meaningful advice relating to a revised "Waters of the U.S." rule.
1752 Overall, the goal would be to develop recommendations to the EPA for consideration on a revised rule. This advice and
1753 recommendations come from an 'on the ground' local government perspective which will assist the agency in providing the best
1754 means to communicate a revised rule with local officials.

1755 **Charge Issues**

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1757 **LGAC Charge:**

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1759 The LGAC will develop recommendations for the EPA to consider in developing approaches to a revised rule
1760 defining "waters of the U.S." that ensures that the nation's waters are kept free from pollution while at the

⁸ <https://www.whitehouse.gov/the-pres-office/2017/02/28/presidential-executive-order-restoring-rule-law-federalism-and-economic>

⁹ *Rapanos v. United States*, 547 U.S. 715 (2006) 126 Supreme Court 2208; 165 LEd. 2d 159

same time promoting economic growth and minimizing regulatory uncertainty. The following are specific charge questions and issues for the LGAC to consider:

Charge Questions

- 1) How would you like to see the concepts of 'relatively permanent' and 'continuous surface connection' be defined? How would you like to see the agencies interpret 'consistent with Scalia'? Are there particular features or implications of any such approaches that the agencies should be mindful of in developing the step 2 proposed rule?
- 2) What opportunities and challenges exist for your locality with relying on Justice Scalia's opinion?
- 3) Are there other approaches to defining "waters of the U.S." that you would like the agencies to consider to providing clarity and regulatory certainty?
- 4) The agencies' economic analysis for step 2 intends to review programs under CWA 303, 311, 401, 402 and 404. Are there any other programs specific to your locality that could be affected but would not be captured in such an economic analysis?
- 5) What additional information can you provide from a local government perspective that EPA should be aware of?
- 6) Are there other issues the agencies should consider which would help ease the regulatory burden for implementation of WOTUS for state, local and tribal government?
- 7) What should the agencies consider in communicating the final rule to state, local and tribal governments to help them fully understand these regulatory changes and implementing them efficiently and most cost-effectively?
- 8) The Workgroup will also develop recommendations on how the EPA can better work with local governments and engage local governments on issues such as: What additional regulatory issues could be revised or clarified to more effectively to help local governments understand how this rule would apply? Are there additional policy discussions that could help address local questions about implementation, in agricultural and rural small communities? Are there other considerations such as ditch maintenance, stormwater management or green infrastructure?

Deliverables

The LGAC will provide a letter of recommendation to the Administrator to identify approaches to consider in a revised "Waters of the U.S." rule. The chartered LGAC will prioritize and summarize these issues in a report to the EPA that focuses on the charge issues. A final LGAC report will be conveyed to the EPA Administrator with a transmittal letter summarizing findings and recommendations. This Report will be published on the EPA's website for LGAC.

Preliminary Timeline/Schedule

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1804 **April 26, 2017** – Executive Committee meets to discuss and approve the LGAC's Charge (Protecting America's Waters Workgroup)
1805 and develops a work plan with timeline.

1806 **May 3**– LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

1807 **May 18**- LGAC's Protecting America's Waters Workgroup meets with National Intergovernmental organizations to discuss charge
1808 (via teleconference).

1809 **June 7** – LGAC's Protecting America's Waters Workgroup meets to discuss charge (via teleconference).

1810 **June 29, 2017**-The LGAC meets in a public meeting (via teleconference) to review recommendations on rescission of the 2015 CWR
1811 and revising the CWR. (Deliverable: Letter of Recommendation)

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Honorable Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Dear Administrator Pruitt:

We are writing on behalf of your Local Government Advisory Committee (LGAC) which is composed of 35 elected and appointed officials of state, local and tribal government. We very much appreciate the opportunity to provide input on clarifying the regulatory status of "Waters of the United States" (WOTUS). We also commend your leadership in recognizing and resolving the regulatory confusion and complexity of WOTUS by issuing a new rule.

The LGAC has been engaged regarding Waters of the United States since May 2014. Through a series of outreach meetings and conference calls, the LGAC has heard over 60 hours of comments and recommendations from our colleagues across the United States. The LGAC Waters of United States 2017 Report is a compilation of recommendations from a diverse group of local experts who have experienced the current regulatory framework.

One of the most important themes we have heard and experienced is the lack of clarity and predictability in the current permitting process. The EPA's partnership with the U.S. Army Corps of Engineers is a tremendous step towards resolving these issues that impede economic growth and hamper public infrastructure projects.

Although permitting is a complex issue, some practical solutions such as establishing a 60 day time frame for jurisdictional determinations can significantly ease the regulatory uncertainty. In addition, state-specific or region-specific criteria can be developed to provide much needed flexibility within a national standard. The LGAC also supports exemptions such as ditches, stormwater management systems, green infrastructure, normal farming practices and converted crop lands. Additional exemptions may be appropriate at the regional level, such as in the west with ephemeral streams.

This approach also invites an enhanced state and local role in implementing the Clean Water Act Section 404 and WOTUS. Local governments are very interested in being part of the solution, but will need dedicated resources to fully assist through assumption of the Section 404 program and for greater utilization of state and regional general permits.

As local government officials the availability and accessibility of clean and safe water is one of our highest priorities. Source water protection is a key element and certain water bodies may need case specific jurisdictional reviews. The LGAC recommends that EPA work with state and local government to identify these significant waterbodies and provide maps of these areas. Improving transparency and predictability will ease the regulatory uncertainty that currently exists.

In summary, the LGAC appreciates your leadership and collaboration with local, tribal and state partners. We offer our continued assistance to you, Administrator Pruitt, and to the team at EPA as you move forward. The opportunity exists to develop a clear and predictable regulatory framework that will protect source water and provide clean, safe and affordable water for the American people. Thank you for the opportunity to comment and for your consideration of our recommendations.

Sincerely,

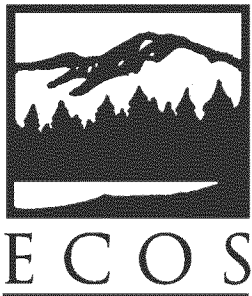
Mayor Bob Dixon
Chairman

Ms. Susan Hann, P.E.
Chairwoman, Protecting America's
Waters Workgroup

Commissioner Dr. Robert Cope
Chairman, Small Community Advisory
Subcommittee (SCAS)

Dr. Hector Gonzalez, M.D.
Chairman, Environmental Justice Workgroup

DRAFT



THE
ENVIRONMENTAL
COUNCIL OF
THE STATES

50 F Street, N.W.
Suite 350
Washington, D.C. 20001

Tel: (202) 266-4920
Email: ecos@ecos.org
Web: www.ecos.org

John Linc Stine
Commissioner, Minnesota
Pollution Control Agency
PRESIDENT

Todd Parfitt
Director, Wyoming Department
of Environmental Quality
VICE PRESIDENT

Becky Keogh
Director, Arkansas Department
of Environmental Quality
SECRETARY-TREASURER

Martha Rudolph
Director of Environmental
Programs, Colorado
Department of Public Health
and Environment
PAST PRESIDENT

Alexandra Dapolito Dunn
Executive Director &
General Counsel

June 19, 2017

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Redefining Waters of the U.S.

Dear Administrator Pruitt,

The Environmental Council of the States (ECOS) is pleased to respond to the U.S. Environmental Protection Agency's (EPA's) request for input on the redefining of waters of the U.S. following the February 28, 2017, Presidential Executive Order on "Restoring the Rule of Law, Federalism, and Economic Growth by Reviewing the 'Waters of the United States' Rule."

ECOS, the nonpartisan national association of state and territorial environmental agency leaders, appreciates your direct outreach to governors with Mr. Douglas Lamont P.E. on behalf of the U.S. Army Corps of Engineers (Corps). Many states are preparing their own comments, through which EPA and the Corps may receive more thorough, technical, and differing recommendations. These comments will more specifically address the questions posed by the agencies regarding the terms used to define waters of the U.S., though each state's comments will be based on their available resources and the level of effort able to contribute in the given timeframe. While ECOS will not speak to all of the technical details of this rulemaking in this letter, states thank you for starting out the process with this consultation with governors, and emphasize the importance of ongoing and continuous state involvement — perhaps even through a negotiated rulemaking process in which states and the agencies engage in a dynamic conversation that incorporates diverse views and needs.

In addition to considering state and other stakeholder input, ECOS encourages EPA and the Corps to use the resources and expertise of other federal experts in the field, like the U.S. Geological Survey (USGS). The USGS is equipped with scientific research that can help inform this rulemaking, and many states may turn to available USGS data to inform recommendations to the two agencies.

We are extremely grateful for the early and thorough outreach to states, but we also recognize that attempting to define waters of the U.S. has been and will continue to be a challenge. We encourage EPA and the Corps to maintain focus on the end result and the question of regionalization of the rulemaking, as we know from experience that this will be crucial to effective implementation. The process of defining the terms in question for the rulemaking, such as "relatively permanent" or "continuous surface connection" will present different challenges in every region, and states hope for an approach that focuses on the outcome of such definitions.

While we know all states have different water protection priorities, the states wish to provide more unified, helpful input than 50 different comment letters on how to define waters of the U.S. ECOS therefore requests that EPA and the Corps engage states and other parties with significant interest in the ultimate WOTUS regulation via a negotiated rulemaking. This approach has been effective in previous drinking water rulemaking efforts and is currently being used by the Agency in the implementation of the new Lautenberg Act.

Again, we believe that your early consultation with states is a strong step towards a successful rulemaking process and productive continuing conversations on this issue. We thank you again for seeking our input.

Regards,

A handwritten signature in black ink, appearing to read "John Linc Stine".

John Linc Stine
Commissioner
Minnesota Pollution Control Agency
ECOS President

CC: Mr. Douglas W. Lamont, P.E.
Senior Official Performing Duties of the Assistant Secretary of the Army (Civil Works)

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Shapiro, Mike[Shapiro.Mike@epa.gov]; Goodin, John[Goodin.John@epa.gov]
From: Peck, Gregory
Sent: Mon 6/19/2017 5:01:59 PM
Subject: FW: [Non-DoD Source] WOTUS: comments from ASFPM on proposed rule changes
[image002.jpg](#)
[ASFPMcommentsWOTUS6-19-17\(3\) \(002\).pdf](#)

Mindy - Please see the attached comments from the floodplain folks in case you haven't already received.

Thanks,
Greg

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

202-564-5700

-----Original Message-----

From: Lamont, Douglas W SES (US) [Personal Privacy / Ex. 6] <civ@mail.mil>
Sent: Monday, June 19, 2017 12:22 PM
To: Schmauder, Craig R SES (US) [Personal Privacy / Ex. 6] <@mail.mil> [Personal Privacy / Ex. 6]
[Personal Privacy / Ex. 6] <@mail.mil>; David.F.Dale@usace.army.mil; Peck, Gregory <Peck.Gregory@epa.gov>
Cc: [Personal Privacy / Ex. 6] <TC USARMY HQDA ASA CW (US) [Personal Privacy / Ex. 6] <@mail.mil>
Subject: FW: [Non-DoD Source] WOTUS: comments from ASFPM on proposed rule changes

FYSA

Doug

-----Original Message-----

From: Larry Larson [mailto:larry@floods.org]
Sent: Monday, June 19, 2017 10:20 AM
To: CWAwotus@epa.gov; Hanson.Andrew@epa.gov; Lamont, Douglas W SES (US) [Personal Privacy / Ex. 6] <@mail.mil>
Cc: Chad Berginnis <cberginnis@floods.org>; Maria Lamm <coxmd@dnr.sc.gov>; brian varrella <brian.varrella@state.co.us>
Subject: [Non-DoD Source] WOTUS: comments from ASFPM on proposed rule changes

All active links contained in this email were disabled. Please verify the identity of the sender, and confirm the authenticity of all links contained within the message prior to copying and pasting the address to a Web browser.

Attached are the ASFPM comments on the proposed rule to repeal and recreate the 2015 rule for defining federal jurisdiction over waters in the US under the Clean Water Act.

On February 28, 2017, a Presidential Executive Order was released on “Restoring the Rule of Law, Federalism, and Economic Growth by reviewing the ‘Waters of the United States’ Rule.” The Order directs the EPA and the Department of the Army to review the Clean Water Rule for consistency with Administration priorities and publish for notice and comment a proposed rule rescinding or revising the rule.

EPA has solicited comments from states and local governments on the proposed revision of the Clean Water Rule, due June 19th 2017. These comments are in response to that solicitation.

Larry A. Larson, P.E., CFM | Director Emeritus-Senior Policy Advisor

Association of State Floodplain Managers

575 D’Onofrio Drive Suite 200 | Madison, WI 53719

Tel: 608-828-3000 | Cell: Personal Phone / Ex. 6 | Caution-mailto:larry@floods.org < Caution-mailto:larry@floods.org >

Caution-www.floods.org < Caution-www.floods.org >

On behalf of:

Chad Berginnis, CFM | Executive Director | ASFPM

575 D’Onofrio Drive, Suite 200 | Madison, WI 53719

tel: 608-828-3000 | cell: Personal Phone / Ex. 6 | cberginnis@floods.org < Caution-mailto:cberginnis@floods.org >

Caution-www.floods.org < Caution-http://www.floods.org >

17,000 members dedicated to reducing flood losses and protecting floodplain natural functions in the nation

To: Spraul, Greg[Spraul.Greg@epa.gov]; Christensen, Damaris[Christensen.Damaris@epa.gov];
Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Thomas, Latosha
Sent: Mon 6/19/2017 1:28:13 PM
Subject: TRCP Stakeholder Meeting TPs
TRCP Stakeholder Meeting 6.21.17 Agenda (ANNOTATED).docx

Hi!

Here is what we have for the TRCP meeting on Wednesday. Please review your TPs to make sure they are accurate. Thanks!

Latosha Thomas

U.S. Environmental Protection Agency

Office of Water (On Detail)

(202) 564-0211 (desk)

Personal Phone / Ex. 6 (cell)

thomas.latosha@epa.gov

From: Able, Tony
To: Eisenberg, Mindy
CC: McGill, Thomas; Derby, Jennifer
Sent: 6/16/2017 4:59:38 PM
Subject: FW: FOR REVIEW: Draft notes and action items from national wetlands meeting
Attachments: National Meeting notes.docx; Nat'l Workshop action tracking - June 2017.xlsx

I've been thru both documents. I find only one minor change in the top row of the excel sheet of actions.

Deliberative Process / Ex. 5

Tony Able, Chief
Wetlands and Streams Regulatory Section
U.S. Environmental Protection Agency
61 Forsyth St., S.W.
Atlanta, GA 30303

W - 404 562 9273

C Personal Phone / Ex. 6

From: Eisenberg, Mindy
Sent: Saturday, June 3, 2017 5:23 PM
To: Goodin, John ; Reiner, Edward ; Montella, Daniel ; Lapp, Jeffrey ; Able, Tony ; Melgin, Wendy ; Martinez, Maria ; Horchem, Brad ; Schafer, Jeannette ; Hamilton, Karen ; Amato, Paul ; Brush, Jason ; Allnutt, David ; Bahk, Benjamin ; Miller, Clay ; Downing, Donna ; McDavit, Michael W. ; Kaiser, Russell ; Goodin, John ; Downing, Donna ; McGill, Thomas ; Siu, Jennifer ; ROSETTI, LEANA ; Hurl, Kathy
Subject: FOR REVIEW: Draft notes and action items from national wetlands meeting

Hi Everyone,
I have pulled together draft notes and action items from our national meeting. Please send me edits and additions to both documents, including adding your name to lead action items. My apologies in advance if I misheard or mischaracterized anything. I was multi-tasking at times :)

Please send me your edits by June 16.

Thanks much!
Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kwok, Rose
To: Yusuf, Istanbul
CC: Eisenberg, Mindy; Weinstock, Larry; Wall, Tom; Buie, Lynda; Belcher, Inez
Sent: 6/15/2017 7:42:45 PM
Subject: RE: Question re: returned mail?
Attachments: SIGNED tribal consultation letter.pdf

Thanks – it would be the attached letter

From: Yusuf, Istanbul
Sent: Thursday, June 15, 2017 3:29 PM
To: Kwok, Rose
Cc: Eisenberg, Mindy ; Weinstock, Larry ; Wall, Tom ; Buie, Lynda ; Belcher, Inez
Subject: RE: Question re: returned mail?

Thanks Rose. Lynda and Inez please let Rose know any WOTUS returned mail as soon as possible.

From: Kwok, Rose
Sent: Thursday, June 15, 2017 3:23 PM
To: Wall, Tom <Wall.Tom@epa.gov>; Yusuf, Istanbul <Yusuf.Istanbul@epa.gov>
Cc: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>
Subject: Question re: returned mail?

Hi Tom and Istie,

Sorry for not sending this note sooner.

When we were mailing out our big tribal consultation mailing on the WOTUS rulemaking, we needed to use your mailcode stop because ours was not accessible, and we needed to get the letters out quickly. I wanted to check to see if there were any mailings that were returned to your division. We have several tribes that said that they didn't get letters, and it may not have been obvious to your administrative assistant that these returned mailings should come to us. If you happened to have received any, can you please let me know, and I'll retrieve them?

Thank you!!

Rose Kwok
U.S. Environmental Protection Agency
Oceans, Wetlands, and Communities Division
kwok.rose@epa.gov
202-566-0657

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Hewitt, Julie[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C4A982BF82A0413187BFF3B54135B7FF-JHEWITT]
Sent: Thur 6/15/2017 5:11:30 PM (UTC)
Subject: RE: edits!
WOTUS Draft Proposed Rule revisions 6-15-17 Deliberative Process / Ex. 5

Here it is, with Karen’s edits included as well.

From: Eisenberg, Mindy
Sent: Thursday, June 15, 2017 12:59 PM
To: Hewitt, Julie <Hewitt.Julie@epa.gov>
Subject: edits!
Importance: High

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Kupchan, Simma
Sent: Thursday, June 15, 2017 12:58 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>
Subject: A FEW MORE PREAMBLE COMMENTS
Importance: High

Mindy,

Attorney Client / Deliberative Process / Ex. 5

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Wendelowski, Karyn
Sent: Thursday, June 15, 2017 12:51 PM
To: Kupchan, Simma <Kupchan.Simma@epa.gov>
Subject: FW: comments on latest preamble draft

Karyn Wendelowski
Attorney-Advisor
Water Law Office
Office of General Counsel
(202)564-5493

From: Kupchan, Simma
To: Fotouhi, David; Eisenberg, Mindy
CC: Neugeboren, Steven; Wehling, Carrie; Wendelowski, Karyn
Sent: 6/15/2017 4:16:27 PM
Subject: Revised Rationale for Step 1 preamble for OMB
Attachments: WOTUS Step 1 preamble 6.15.17 for OMB.docx

David and Mindy,

Attached is the revised draft of the WOTUS Step 1 preamble for submission to OMB. Please let me know if you have questions. Thank you.

Simma Kupchan
Water Law Office
US EPA Office of General Counsel
William Jefferson Clinton Building North Room 7426Q
(p) 202-564-3105

From: Neugeboren, Steven
To: Eisenberg, Mindy
Sent: 6/15/2017 1:41:43 PM
Subject: clean version
Attachments: WOTUS REVISIONS CLEAN.docx

Mistakenly sent a redline. Heard you circulated. Here is clean version maybe better to ask folks to look at this one.

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

From: Neugeboren, Steven
To: Eisenberg, Mindy; Goodin, John; Kupchan, Simma; Wehling, Carrie; Wendelowski, Karyn
Sent: 6/15/2017 2:07:01 AM
Subject: draft revisions to preamble for review by 11 am
Attachments: WOTUS revision preamble rationale revised 6-14.docx

John/Mindy/WLO folks

Attached is draft revisions to **Deliberative Process / attorney client Ex. 5**
Deliberative Process / attorney client Ex. 5 I have highlighted in yellow
the new paragraphs.

This needs to get to OMB as soon as possible tomorrow. Simma is going to have the pen in the morning and I ask that we receive one set of comments from OW, and one set of comments from Army/Corps (leaving to Simma and the wetlands division the best way to manage getting comments from the Corps) by 11 am.

I will shortly leave a voicemail that has additional context.

Steven Neugeboren
Associate General Counsel
Water Law Office
Environmental Protection Agency
202-564-5488

Message

From: Christensen, Damaris [Christensen.Damaris@epa.gov]
Sent: 6/14/2017 1:14:25 AM
To: Thomas, Latosha [Thomas.Latosha@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
CC: Dennis, Allison [Dennis.Allison@epa.gov]; Drinkard, Andrea [Drinkard.Andrea@epa.gov]
Subject: Latest WOTUS TPs
Attachments: WOTUS2 Talking Points 6-12-17.docx; ATT00001.htm

Here you go - these should work for Mike for the NAFSMA conference.

However. There is a good chance things will change shortly before the conference so please check back in with us.

Damaris

Message

From: Thomas, Latosha [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=A405BD473FFF4B80B3065D03D9B48EB9-LATHOMAS]
Sent: 6/13/2017 2:13:47 PM
To: Eisenberg, Mindy [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cfb4c26bb6f44c7db69f9884628b3ef9-Eisenberg, Mindy]; Christensen, Damaris [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e04107c23c1043d6967754064c477a29-Christensen, Damaris]
Subject: WOTUS TPs for NAFSMA Flood & Stormwater Management 2017 Meeting
Attachments: WOTUS TPs.docx

Hi!

Mike is speaking at the NAFSMA Flood & Stormwater Management 2017 meeting/conference on 6/28. He'll be focusing mostly on stormwater, infrastructure, and WOTUS. Are the attached WOTUS TPs still current? If there are any changes, could you please send to me by **6/20 COB**? Thanks!

Latosha Thomas
U.S. Environmental Protection Agency
Office of Water (On Detail)
(202) 564-0211 (desk)

Personal Phone / Ex. 6

 (cell)
thomas.latosha@epa.gov

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
Cc: Connors, Sandra[Connors.Sandra@epa.gov]; Fields, Wanda[Fields.Wanda@epa.gov]
From: Campbell, Ann
Sent: Thur 7/13/2017 1:27:27 PM
Subject: Fwd: AX-17-000-7867 - Amend Letter
[17-000-7867.pdf](#)
[ATT00001.htm](#)
[PrintPDF.pdf](#)
[ATT00002.htm](#)
[NRDC AX-17-000-7867.docx](#)
[ATT00003.htm](#)

Mindy, Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 Can you make the edits, route it back through CMS and send me the edited response as well.

Thanks!

Begin forwarded message:

From: "Threet, Derek" <Threet.Derek@epa.gov>
To: "Campbell, Ann" <Campbell.Ann@epa.gov>
Subject: FW: AX-17-000-7867 - Amend Letter

Hi Ann – Could you help route this to the drafter of the document to amend per Brian Hope's request?

Thanks.

Derek

From: Leavy, Jacqueline
Sent: Thursday, July 13, 2017 8:18 AM
To: Threet, Derek <Threet.Derek@epa.gov>
Subject: AX-17-000-7867 - Amend Letter

Hi Derek:

Per Brian Hope,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Can you handle this with the program office? Please advise. Thanks.



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00



Citizen Information

Citizen/Originator: Suh, Rhea

Organization: Natural Resources Defense Council
Address: 1152 15th Street, NW, Washington, DC, DC 20005

Noppen, Trip Van

Organization: Earth Justice
Address: 426 17th Street, Oakland, CA 94612

Brune, Michael

Organization: Sierra Club
Address: 2101 Webster Street, Oakland, CA 94612

Alt, Margie

Organization: Environment America
Address: 218 D Street, SE 2nd Floor, Washington, DC 20003

Pierno, Theresa

Organization: National Parks Conservation Association
Address: 777 6th Street, NW, Washington, DC 20001

Magana, Mark

Organization: GreenLatinos
Address: 801 Pennsylvania Avenue, NW, Washington, DC 20004

Middleton, Frederick S.

Organization: Southern Environmental Law Center
Address: 201 West Main Street, Charlottesville, VA 22902

Wilkes, Brent

Organization: League of United Latin American Citizens
Address: 2000 L Street, N.W., Washington, DC 20036

Wendelgass, Robert

Organization: Clean Water Action
Address: 1315 Walnut Street, Philadelphia, PA 19107

Irvin, William Robert

Organization: American Rivers
Address: 1101 14th Street NW, Washington, DC 20005

Yarnold, David

Organization: National Audubon Society
Address: 225 Varick Street, New York, NY 10014

Karpinski, Gene

Organization: League of Conservation Voters Education Fund
Address: 1920 L N.W., Washington, D.C. 20038

Sarthou, Cynthia

Organization: Gulf Restoration Network
Address: Post Office Box 2245, 338 Baronna Street, New Orleans, LA 70112

Willbanks, Lee

Organization: Riverkeeper - Save the River
Address: 409 Riverside Drive, Clayton, NY 13624



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00

**Wilson, Ward**

Organization: Kentucky Waterways Alliance
Address: 120 Webster Street, Louisville, KY 40206

Hoyos, Renee' Victoria

Organization: Tennessee Clean Water Network (TCWN)
Address: P.O. Box 1521, 123A South Gay Street, Knoxville, TN 37902

Hays, Carol

Organization: Prairie Rivers Network
Address: 1902 Fox Drive, Champaign, IL 61820

Wright, Kimberlee

Organization: Midwest Environmental Advocates, Inc.
Address: 612 West Main Street, Madison, WI 53703

Stewart, Beth K.

Organization: Cahaba River Society
Address: 2717 7th Avenue South, Birmingham, AL 35233

Huffling, Katie

Organization: Alliance of Nurses for Healthy Environments
Address: 1111 14th Street, NW, Washington, DC 20005

Ambs, Tom

Organization: River Network
Address: 222 South Hamilton Street, Madison, WI 53703

Quintero, Adrianna

Organization: Voces Verdes
Address: Address Unknown

Silk, Nicole

Organization: River Network
Address: P.O. Box 21387, Boulder, CO 80308

Meyer, Kristy

Organization: Ohio Environmental Council
Address: 1207 Grandview Avenue, Columbus, OH 43212

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number:	AX-17-000-7867	Alternate Number:	N/A
Status:	Pending	Closed Date:	N/A
Due Date:	May 9, 2017	# of Extensions:	0
Letter Date:	Apr 19, 2017	Received Date:	Apr 24, 2017
Addressee:	AD-Administrator	Addressee Org:	EPA
Contact Type:	LTR (Letter)	Priority Code:	Normal
Signature:	AD-Administrator	Signature Date:	N/A
File Code:	404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.		
Subject:	DRF -Perspective on intention to eliminate the federal safeguards included in the 2015 Clean		



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00



Instructions: Water Rule
AD-Prepare draft response for the Administrator's signature
Instruction Note: N/A
General Notes: N/A
CC: Derek Threet - AO-IO
OPA - Office of Public Affairs

Lead Information

Lead Author: Sineta Brown
Office: OW-OWOW-WD
Due Date: May 5, 2017
Assigned Date: Apr 25, 2017
Complete Date: May 8, 2017
Instruction: AD-Prepare draft response for the Administrator's signature

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
Jacqueline Leavy	OEX	OW	Apr 24, 2017	May 9, 2017	May 26, 2017
	Instruction: AD-Prepare draft response for the Administrator's signature				
Wanda Fields	OW	OW-OWOW	Apr 25, 2017	May 5, 2017	May 16, 2017
	Instruction: cc: Shapiro, Best-Wong, Peck, Lousberg				
Yvonne Smothers	OW-OWOW	OW-OWOW-WD	Apr 25, 2017	May 5, 2017	May 8, 2017
	Instruction: N/A				

Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

History

Action By	Office	Action	Date
Jacqueline Leavy	OEX	Assign OW as lead office	Apr 24, 2017
Wanda Fields	OW	Accepted the group assignment	Apr 25, 2017
Wanda Fields	OW	Assign OW-OWOW as lead office	Apr 25, 2017
Yvonne Smothers	OW-OWOW	Accepted the group assignment	Apr 25, 2017
Yvonne Smothers	OW-OWOW	Assign OW-OWOW-WD as lead office	Apr 25, 2017
Sineta Brown	OW-OWOW-WD	Accepted the group assignment	Apr 25, 2017
Sineta Brown	OW-OWOW-WD	Take task	Apr 25, 2017



Correspondence Management System

Control Number: AX-17-000-7867

Printing Date: July 13, 2017 08:13:00



Action By	Office	Action	Date
Sineta Brown	OW-OWOW-WD	Finished response document	May 8, 2017
Sineta Brown	OW-OWOW-WD	Sent control to Yvonne Smothers for approval	May 8, 2017
Yvonne Smothers	OW-OWOW	Sent for Review to Sandra Connors	May 8, 2017
Yvonne Smothers	OW-OWOW	Sent control back to Sineta Brown for modification	May 16, 2017
Sineta Brown	OW-OWOW-OWCD	Resent control to Yvonne Smothers for approval.	May 16, 2017
Yvonne Smothers	OW-OWOW	Sent for Review to Sandra Connors	May 16, 2017
Yvonne Smothers	OW-OWOW	Concur and sent control to Wanda Fields for approval	May 16, 2017
Wanda Fields	OW	Sent control back to Yvonne Smothers for modification	May 16, 2017
Yvonne Smothers	OW-OWOW	Resent control to Wanda Fields for approval.	May 16, 2017
Wanda Fields	OW	Sent control back to Yvonne Smothers for modification	May 16, 2017
Yvonne Smothers	OW-OWOW	Resent control to Wanda Fields for approval.	May 17, 2017
Wanda Fields	OW	Sent control back to Yvonne Smothers for modification	May 17, 2017
Yvonne Smothers	OW-OWOW	Resent control to Wanda Fields for approval.	May 18, 2017
Diane Jones-Coleman	OW	Reassigns control from Wanda Fields to Diane Jones-Coleman	May 26, 2017
Diane Jones-Coleman	OW	Concur and sent control to Jacqueline Leavy for approval	May 26, 2017
Jacqueline Leavy	OEX	Sent for Review to Brian Hope	May 30, 2017
Brian Hope	OEX	Review Approved by Brian Hope	Jul 12, 2017

Comments

Commentator	Comment	Date
Wanda Fields	Need concurrence from OWOW OD. Upload concurrence into the attachment section.	May 16, 2017
Wanda Fields	With Chris Orvin for review.	May 19, 2017
Diane Jones-Coleman	Mike Shapiro concurred 05-24-17. CMS assignment returned to OEX for the Administrator's signature 05-26-17.	May 26, 2017
Brian Hope	Edits made to the letter and spreadsheet, but the draft needs to be updated to include action taken at the end of June. Please talk to the appropriate special assistant re. amending the letter. Thanks.	Jul 12, 2017

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Greenwalt, Sarah
Sent: Wed 7/12/2017 8:51:19 PM
Subject: Re: stats on tribal and federalism letters

Awesome, thanks Mindy!

Sent from my iPad

On Jul 12, 2017, at 3:03 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Andrew has better info!

Sent from my iPhone

Begin forwarded message:

From: "Hanson, Andrew" <Hanson.Andrew@epa.gov>
Date: July 12, 2017 at 2:51:14 PM EDT
To: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Cc: "Christensen, Damaris" <Christensen.Damaris@epa.gov>
Subject: RE: stats on tribal and federalism letters

If there's undue confusion (opposed to normal/baseline confusion) **20 AGs** (attorneys general) signed onto one letter. **16 governors** wrote in individually. 2 governors signed the NGA letter (one of whom was Matt Mead (WY) who also wrote his own letter) and 2 governors signed the WGA letter.

Tate has all this info, as do Dolores and Julia.

From: Bennett, Tate
Sent: Wednesday, July 12, 2017 2:42 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>
Subject: Fwd: stats on tribal and federalism letters

Preston- can you send us an updated Gov's number? We have over 20.

Sent from my iPhone

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: July 12, 2017 at 2:08:59 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: RE: stats on tribal and federalism letters

This is great; thanks for sharing/pulling this together.

From: Greenwalt, Sarah
Sent: Wednesday, July 12, 2017 2:08 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha <dravis.samantha@epa.gov>
Cc: Jackson, Ryan <jackson.ryan@epa.gov>
Subject: Fwd: stats on tribal and federalism letters

For our metrics/press purposes.

Sent from my iPhone

Begin forwarded message:

From: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Date: July 12, 2017 at 12:25:54 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>
Subject: stats on tribal and federalism letters

Currently about **31** tribal comment letters

At a glance:

- Most of the written comment letters are from western tribes

- 6 letters are from state/regional/national tribal groups or fish commissions that represent multiple tribes: National Tribal Water Council, Region 10 RTOC, California Indian Environmental Alliance, Columbia River Inter-Tribal Fish Commission, Great Lakes Indian Fish and Wildlife Commission, Northwest Indian Fisheries Commission
- Most of the tribes oppose rescinding or revising the Clean Water Rule and oppose a Scalia-only approach to jurisdiction
- Only one tribe (Barona Band of Mission Indians (CA)) is supportive of the agencies' efforts to review and revise or rescind the CWR

Federalism

In total **24 meetings** were held from April 19 to June 29, and **156 letters** were received as part of the federalism process. The breakdown of who we heard from is as follows:

- 17 governors
- 2 lieutenant governors
- 20 attorney generals (19 signed onto 1 letter)
- 62 state agencies
- 63 local-government representatives
- 18 intergovernmental associations
- 8 state associations
- 11 water & irrigation districts

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

<WOTUSFedCommentsByState.docx>

To: Eisenberg, Mindy[Eisenberg.Mindy@epa.gov]
From: Greenwalt, Sarah
Sent: Wed 7/12/2017 6:02:31 PM
Subject: Re: stats on tribal and federalism letters

Very helpful, thank you. See you soon

Sent from my iPhone

On Jul 12, 2017, at 12:25 PM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Currently about **31** tribal comment letters

At a glance:

- Most of the written comment letters are from western tribes
- 6 letters are from state/regional/national tribal groups or fish commissions that represent multiple tribes: National Tribal Water Council, Region 10 RTOC, California Indian Environmental Alliance, Columbia River Inter-Tribal Fish Commission, Great Lakes Indian Fish and Wildlife Commission, Northwest Indian Fisheries Commission
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Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

Message

From: Moore, Kristie [Moore.Kristie@epa.gov]
Sent: 7/10/2017 1:46:00 PM
To: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]; Weinstock, Larry [Weinstock.Larry@epa.gov]
CC: Brown, Robert [Brown.Robert@epa.gov]
Subject: FW: HAC QFR: Cal-001-002 OGC comments
Attachments: CAL-001-002 OW_OA_OAR+ OGC's Comments.docx

Mindy and Larry,

Deliberative Process / Ex. 5

Thank you in advance for your help,
Kristie

Kristie M. Moore
Office of Wetlands Oceans and Watersheds
U.S. Environmental Protection Agency
EPA West
1200 Pennsylvania Ave., NW
MC-4501 T
Washington, DC, 20460
office: (202) 566-1616
fax: (202) 566-1544

From: Drummond, Laura
Sent: Monday, July 10, 2017 9:41 AM
To: Brown, Robert <Brown.Robert@epa.gov>; Moore, Kristie <Moore.Kristie@epa.gov>
Cc: Woods, Terry <Woods.Terry@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>
Subject: FW: HAC QFR: Cal-001-002 OGC comments

Bob and Kristie,

Deliberative Process / Ex. 5

Could you please take a look and provide feedback in track changes?

Thanks!
Laura Drummond
Program Analyst – PMF 2014
U.S. Environmental Protection Agency
Office of Water – Resource Management Staff
Phone – (202) 564-6561

From: Guck, Michelle
Sent: Monday, July 10, 2017 9:37 AM

To: LaRue, Steven <LaRue.Steven@epa.gov>; Drummond, Laura <Drummond.Laura@epa.gov>
Cc: Spraul, Greg <Spraul.Greg@epa.gov>; Fontaine, Tim <Fontaine.Tim@epa.gov>; Diaz, Charlene <diaz.charlene@epa.gov>; Cuscino, Glen <Cuscino.Glen@epa.gov>; Clark, Rebekah <Clark.Rebekah@epa.gov>
Subject: HAC QFR: Cal-001-002 OGC comments

Good morning,

Deliberative Process / Ex. 5 For OW and OAR's respective pieces please provide feedback as needed in track changes. Let me know if you have any questions.

Thanks!



CAL-001-002
OW_OA_OAR+ ... **Michelle Guck**
Program Analyst, Multi-Media Analysis Staff
Office of the Chief Financial Officer | Office of Budget
U.S. Environmental Protection Agency
Tel: (202)-564-2036 | Guck.Michelle@epa.gov

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg.Mindy@epa.gov
Sent: Thur 7/13/2017 6:25:31 PM
Subject: Fwd: Docket ID No. EPA-HQ-OW-2017-0203 - Request for Extension of Comment Period of Definition of "Waters of the United States" - Recodification of Pre-existing Rules
2017-7-13 Request for comment period extension repeal rule.PDF
ATT00001.htm

FYI

Sent from my iPhone

Begin forwarded message:

From: "Goodin, John" <Goodin.John@epa.gov>
To: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Subject: Fwd: Docket ID No. EPA-HQ-OW-2017-0203 - Request for Extension of Comment Period of Definition of "Waters of the United States" - Recodification of Pre-existing Rules

FYI

Sent from my iPhone

Begin forwarded message:

From: "Navis Bermudez" <nbermudez@selcdc.org>
To: "CWAwotus" <CWAwotus@epa.gov>, "Downing, Donna" <Downing.Donna@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>
Cc: "Blan Holman" <bholman@selcsc.org>, "Geoff Gisler" <ggisler@selcnc.org>
Subject: Docket ID No. EPA-HQ-OW-2017-0203 - Request for Extension of Comment Period of Definition of "Waters of the United States" - Recodification of Pre-existing Rules

Please find attached SELCs request for an extension of the comment period of *Definition of "Waters of the United States" – Recodification of Pre-existing Rules*, Docket ID No. EPA-HQ-OW-2017-0203. If you have any questions, feel free to e-mail or call me.

Best regards,

Navis A. Bermudez

Federal Legislative Director

Southern Environmental Law Center

(202) 499-2075

Message

From: Eisenberg.Mindy@epa.gov [Eisenberg.Mindy@epa.gov]
Sent: 7/12/2017 7:03:08 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Fwd: stats on tribal and federalism letters
Attachments: WOTUSFedCommentsByState.docx; ATT00001.htm

Andrew has better info!

Sent from my iPhone

Begin forwarded message:

From: "Hanson, Andrew" <Hanson.Andrew@epa.gov>
Date: July 12, 2017 at 2:51:14 PM EDT
To: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Cc: "Christensen, Damaris" <Christensen.Damaris@epa.gov>
Subject: RE: stats on tribal and federalism letters

If there's undue confusion (opposed to normal/baseline confusion) **20 AGs** (attorneys general) signed onto one letter. **16 governors** wrote in individually. 2 governors signed the NGA letter (one of whom was Matt Mead (WY) who also wrote his own letter) and 2 governors signed the WGA letter.

Tate has all this info, as do Dolores and Julia.

From: Bennett, Tate
Sent: Wednesday, July 12, 2017 2:42 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>
Subject: Fwd: stats on tribal and federalism letters

Preston- can you send us an updated Gov's number? We have over 20.

Sent from my iPhone

Begin forwarded message:

From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: July 12, 2017 at 2:08:59 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
Cc: "Jackson, Ryan" <jackson.ryan@epa.gov>
Subject: RE: stats on tribal and federalism letters

This is great; thanks for sharing/pulling this together.

From: Greenwalt, Sarah
Sent: Wednesday, July 12, 2017 2:08 PM
To: Ford, Hayley <ford.hayley@epa.gov>; Bowman, Liz <Bowman.Liz@epa.gov>; Lyons, Troy <lyons.troy@epa.gov>; Bennett, Tate <Bennett.Tate@epa.gov>; Dravis, Samantha

<dravis.samantha@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: Fwd: stats on tribal and federalism letters

For our metrics/press purposes.

Sent from my iPhone

Begin forwarded message:

From: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>

Date: July 12, 2017 at 12:25:54 PM EDT

To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>

Subject: stats on tribal and federalism letters

Currently about **31** tribal comment letters

At a glance:

- Most of the written comment letters are from western tribes
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- Most of the tribes oppose rescinding or revising the Clean Water Rule and oppose a Scalia-only approach to jurisdiction
- Only one tribe (Barona Band of Mission Indians (CA)) is supportive of the agencies' efforts to review and revise or rescind the CWR

Federalism

In total **24 meetings** were held from April 19 to June 29, and **156 letters** were received as part of the federalism process. The breakdown of who we heard from is as follows:

- 17 governors
- 2 lieutenant governors
- 20 attorney generals (19 signed onto 1 letter)
- 62 state agencies
- 63 local-government representatives
- 18 intergovernmental associations
- 8 state associations
- 11 water & irrigation districts

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/13/2017 11:17:56 PM
Subject: Fwd: Tracking of WOTUS meetings
[image00001.png](#)
[ATT00001.htm](#)
[Template for Headquarters Tracking of Meetings.xlsx](#)
[ATT00002.htm](#)
[Stakeholder Meetings -Preproposal Step1.xlsx](#)
[ATT00003.htm](#)

FYI

Sent from my iPhone

Begin forwarded message:

From: "Kwok, Rose" <Kwok.Rose@epa.gov>
Date: July 13, 2017 at 5:22:17 PM EDT
To: "Bennett, Tate" <Bennett.Tate@epa.gov>
Cc: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>, "Drinkard, Andrea" <Drinkard.Andrea@epa.gov>, "Thomas, Latosha" <Thomas.Latosha@epa.gov>
Subject: Tracking of WOTUS meetings

[REDACTED]

[REDACTED]

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/13/2017 6:25:33 PM
Subject: Fwd: Docket ID No. EPA-HQ-OW-2017-0203 - Request for Extension of Comment Period of Definition of "Waters of the United States" - Recodification of Pre-existing Rules
2017-7-13 Request for comment period extension repeal rule.PDF
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FYI

Sent from my iPhone

Begin forwarded message:

From: "Navis Bermudez" <nbermudez@selcdc.org>
To: "CWAwotus" <CWAwotus@epa.gov>, "Downing, Donna" <Downing.Donna@epa.gov>, "Goodin, John" <Goodin.John@epa.gov>
Cc: "Blan Holman" <bholman@selcsc.org>, "Geoff Gisler" <ggisler@selcnc.org>
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Please find attached SELCs request for an extension of the comment period of *Definition of "Waters of the United States" – Recodification of Pre-existing Rules*, Docket ID No. EPA-HQ-OW-2017-0203. If you have any questions, feel free to e-mail or call me.

Best regards,

Navis A. Bermudez

Federal Legislative Director

Southern Environmental Law Center

(202) 499-2075

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/13/2017 5:53:11 PM
Subject: FW: letters - Arkansas

[AR-AAD 2017-06-19.pdf](#)
[AR-Benton County 2017-06-23.pdf](#)
[AR-Boone County 2017-06-13.pdf](#)
[AR-Carroll County 2017-06-18.pdf](#)
[AR-Craighead County 2017-06-13.pdf](#)
[AR-Faulkner County 2017-06-19.pdf](#)
[AR-Governor Hutchinson 2017-06-16.pdf](#)
[AR-Greene County 2017-06-19.pdf](#)
[AR-Hot Spring County 2017-06-19.pdf](#)
[AR-Logan County District 2&3 2017-06-19.pdf](#)
[AR-Logan County District 5 2017-06-19.pdf](#)
[AR-Marion County 2017-06-19.pdf](#)
[AR-Mississippi County 2017-06-27.pdf](#)
[AR-Newton County 2017-06-05.pdf](#)
[AR-Poinsett County 2017-06-21.pdf](#)
[AR-Polk County 2017-06-19.pdf](#)
[AR-Pope County Judge 2017-07-06.pdf](#)
[AR-Pulaski County 2017-06-21.pdf](#)
[AR-Saline County 2017-06-19.pdf](#)
[AR-Searcy-County 2017-06-19.pdf](#)
[AR-Sebastian County District 10 2017-06-19.pdf](#)
[AR-Sebastian County 2017-06-20.pdf](#)
[AR-Stone County 2017-06-08.pdf](#)

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

-----Original Message-----

From: Schaefer-Gomez, Julia
Sent: Thursday, July 13, 2017 1:50 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: RE: letters - Arkansas

23 letters from Arkansas

Julia

-----Original Message-----

From: Eisenberg, Mindy
Sent: Thursday, July 13, 2017 12:49 PM
To: Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>
Subject: letters

Hi Julia,

Can you pull the federalism letters from the below states and email them to me?

Thanks!

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

-----Original Message-----

From: Greenwalt, Sarah
Sent: Thursday, July 13, 2017 9:18 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject:

Mindy,

Would you please send me all of the letters we received from Utah, Minnesota, and and Arkansas?

Sent from my iPhone

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/13/2017 5:52:25 PM
Subject: FW: letters
[UT-Duchesne County 2014-11-10.pdf](#)
[UT-Duchesne County 2017-06-12.pdf](#)
[UT-Office of the Governor 2017-06-19.pdf](#)
[MN-MPCA-DNR 2017-06-19.pdf](#)

Hi Sarah,
Here are the letters from UT and MN. Will send AR separately - we received quite a few from counties.

Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Greenwalt, Sarah
Sent: Thursday, July 13, 2017 9:18 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject:

Mindy,

Would you please send me all of the letters we received from Utah, Minnesota, and and Arkansas?

Sent from my iPhone

To: Campbell, Ann[Campbell.Ann@epa.gov]
Cc: Connors, Sandra[Connors.Sandra@epa.gov]; Fields, Wanda[Fields.Wanda@epa.gov]; Weinstock, Larry[Weinstock.Larry@epa.gov]; Brown, Sineta[Brown.Sineta@epa.gov]; Resper, Wanda[Resper.Wanda@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/13/2017 4:43:41 PM
Subject: RE: AX-17-000-7867 - Amend Letter
NRDC AX-17-000-7867.docx

Here you go

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Campbell, Ann
Sent: Thursday, July 13, 2017 9:27 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Connors, Sandra <Connors.Sandra@epa.gov>; Fields, Wanda <Fields.Wanda@epa.gov>
Subject: Fwd: AX-17-000-7867 - Amend Letter

Mindy, the response attached below by the program needs to be revised to reflect the latest developments. Can you make the edits, route it back through CMS and send me the edited response as well.

Thanks!

Begin forwarded message:

From: "Threet, Derek" <Threet.Derek@epa.gov>
To: "Campbell, Ann" <Campbell.Ann@epa.gov>
Subject: FW: AX-17-000-7867 - Amend Letter

Hi Ann – Could you help route this to the drafter of the document to amend per Brian Hope's request?

Thanks.

Derek

From: Leavy, Jacqueline
Sent: Thursday, July 13, 2017 8:18 AM
To: Threet, Derek <Threet.Derek@epa.gov>
Subject: AX-17-000-7867 - Amend Letter

Hi Derek:

Per Brian Hope, this draft letter needs to be amended to include action taken at the end of June. Can you handle this with the program office? Please advise. Thanks.

Message

From: Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Sent: 7/12/2017 7:03:09 PM
To: Greenwalt, Sarah [greenwalt.sarah@epa.gov]
Subject: Fwd: stats on tribal and federalism letters
Attachments: WOTUSFedCommentsByState.docx; ATT00001.htm

Andrew has better info!

Sent from my iPhone

Begin forwarded message:

From: "Hanson, Andrew" <Hanson.Andrew@epa.gov>
Date: July 12, 2017 at 2:51:14 PM EDT
To: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Cc: "Christensen, Damaris" <Christensen.Damaris@epa.gov>
Subject: RE: stats on tribal and federalism letters

If there's undue confusion (opposed to normal/baseline confusion) **20 AGs** (attorneys general) signed onto one letter. **16 governors** wrote in individually. 2 governors signed the NGA letter (one of whom was Matt Mead (WY) who also wrote his own letter) and 2 governors signed the WGA letter.

Tate has all this info, as do Dolores and Julia.

From: Bennett, Tate
Sent: Wednesday, July 12, 2017 2:42 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Cc: Cory, Preston (Katherine) <Cory.Preston@epa.gov>; Hanson, Andrew <Hanson.Andrew@epa.gov>
Subject: Fwd: stats on tribal and federalism letters

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Sent from my iPhone

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From: "Bowman, Liz" <Bowman.Liz@epa.gov>
Date: July 12, 2017 at 2:08:59 PM EDT
To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>, "Ford, Hayley" <ford.hayley@epa.gov>, "Lyons, Troy" <lyons.troy@epa.gov>, "Bennett, Tate" <Bennett.Tate@epa.gov>, "Dravis, Samantha" <dravis.samantha@epa.gov>
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Subject: RE: stats on tribal and federalism letters

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<dravis.samantha@epa.gov>

Cc: Jackson, Ryan <jackson.ryan@epa.gov>

Subject: Fwd: stats on tribal and federalism letters

For our metrics/press purposes.

Sent from my iPhone

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From: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>

Date: July 12, 2017 at 12:25:54 PM EDT

To: "Greenwalt, Sarah" <greenwalt.sarah@epa.gov>

Subject: stats on tribal and federalism letters

Currently about **31** tribal comment letters

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In total **24 meetings** were held from April 19 to June 29, and **156 letters** were received as part of the federalism process. The breakdown of who we heard from is as follows:

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- 11 water & irrigation districts

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Greenwalt, Sarah[greenwalt.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Wed 7/12/2017 4:25:54 PM
Subject: stats on tribal and federalism letters

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1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Goodin, John[Goodin.John@epa.gov]
From: Eisenberg, Mindy
Sent: Mon 7/10/2017 9:32:24 PM
Subject: FW: Memo - Federalism Status 7.10
Memo - Status of Federalism 7.10.17.docx

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Wesson, Dolores
Sent: Monday, July 10, 2017 4:19 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Christensen, Damaris
<Christensen.Damaris@epa.gov>
Cc: Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; Downing, Donna
<Downing.Donna@epa.gov>
Subject: Memo - Federalism Status 7.10

Mindy, Damaris, Julia,

Attached is the DRAFT memo you requested on the status of federalism consultation. We have uploaded it in SharePoint under a new folder named *Federalism Status Documents* within the existing Federalism + state-local outreach folder.

Mindy, I dropped off a paper copy for you so you could have quicker access. I can make any changes or modifications you would like. We did not get any input from Cindy's part on the written comments, as she is on travel so the analysis is not complete, but it should be a solid start.

Dolores

Nonresponsive Internal URL/ Ex. 6

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 7/6/2017 9:52:50 PM
Subject: your vmail

Deliberative Process / Ex. 5

Hi,

Deliberative Process / Ex. 5

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Eisenberg, Mindy
Sent: Wednesday, July 05, 2017 12:57 PM
To: Greenwalt, Sarah <greenwalt.sarah@epa.gov>
Subject: RE: WOTUS Discussion

Hi Sarah,

Deliberative Process / Ex. 5

Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Greenwalt, Sarah
Sent: Wednesday, July 05, 2017 11:42 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: WOTUS Discussion

Mindy –

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

All of my copies have my notes on it, so clean copies would be best. Thank you!

Sarah A. Greenwalt

Senior Advisor to the Administrator
for Water and Cross-Cutting Issues

U.S. Environmental Protection Agency

Work: 202-564-1722 | Cell: **Personal Phone / Ex. 6**

Greenwalt.Sarah@epa.gov

To: Forsgren, Lee[Forsgren.Lee@epa.gov]
Cc: Shapiro, Mike[Shapiro.Mike@epa.gov]; Best-Wong, Benita[Best-Wong.Benita@epa.gov]; Connors, Sandra[Connors.Sandra@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 6/29/2017 10:19:08 PM
Subject: WOTUS overall outreach strategy
[federal agency issues 5-31-17.docx](#)
[WOTUS2 outreach overview 6-28.docx](#)

Lee,

Accidently sent you the prior email before finishing.

Deliberative Process / Ex. 5

Thanks,

Mindy

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Kwok, Rose[Kwok.Rose@epa.gov]
From: Eisenberg, Mindy
Sent: Thur 6/29/2017 6:56:05 PM
Subject: RE: A request for the WOTUS-2 Informal Workgroup

Do they realize how **Deliberative Process / Ex. 5** John was wondering if **Deliberative Process / Ex. 5**

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Kwok, Rose
Sent: Thursday, June 29, 2017 2:53 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Downing, Donna <Downing.Donna@epa.gov>
Cc: Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: A request for the WOTUS-2 Informal Workgroup

Mindy – I spoke to Jack Bowles and Andrew H about **Deliberative Process / Ex. 5** and they said that they would like for **Deliberative Process / Ex. 5**

Deliberative Process / Ex. 5

From: Eisenberg, Mindy
Sent: Thursday, June 29, 2017 2:51 PM
To: Downing, Donna <Downing.Donna@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: RE: A request for the WOTUS-2 Informal Workgroup

I'm fine with Deliberative Process / Ex. 5
Deliberative Process / Ex. 5
Deliberative Process / Ex. 5 Would like to talk more with Karen G and Andrew H about that.

As for the options paper, I would prefer Deliberative Process / Ex. 5

Thanks!

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Downing, Donna
Sent: Thursday, June 29, 2017 2:34 PM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Kwok, Rose <Kwok.Rose@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Wesson, Dolores <Wesson.Dolores@epa.gov>; Chemerys, Ruth <Chemerys.Ruth@epa.gov>; Schaefer-Gomez, Julia <Schaefer-Gomez.Julia@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Subject: A request for the WOTUS-2 Informal Workgroup

Hi Mindy:

We had our biweekly WOTUS-2 informal regional workgroup meeting today. Among other things, Rose, Dolores, and Andrea reported out on tribal consultation and federalism. The workgroup was wondering if they could

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Rose indicated she could

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Would that be OK with

you? We've asked them

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A second request was whether

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Deliberative Process / Ex. 5

The workgroup worked with us some in its development, by raising issues and implications. If it's OK by you, we

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Deliberative Process / Ex. 5

Please let me know your druthers. Thanks!

Donna

Donna Downing

Jurisdiction Team Leader

Office of Wetlands, Oceans & Watersheds

U.S. Environmental Protection Agency

ph: (202) 566-1367

downing.donna@epa.gov

USPS Address:

1200 Pennsylvania Avenue, NW

Washington, DC 20460

Delivery Address:

1301 Constitution Avenue, NW, room 7214-D

Washington, DC 20004

Message

From: Eisenberg, Mindy [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]
Sent: 6/28/2017 1:44:05 PM
To: Moore, Kristie [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=a16f5bc0503e41cbbc3b9e73924e8b8d-KMoore04]; Weinstock, Larry [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=abf6ef85ed154d13aa590ea7c0addac2-Weinstock, Larry]; McDavit, Michael W. [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=4cb54848e7f641bf90e7cbbfedb28971-Michael W. McDavit]
CC: Brown, Robert [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=e7aa17f399d648e8bed23a0a591744b3-BBrown]; Chancey, Barbara [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=bda8332fffe34ff28c671bd344058982-BChancey]; Connors, Sandra [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=cc4f8f838be74de797ba9f894a0bc7b5-SCONNORS]; Goodin, John [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=3eac342f280a4b9db4079c81f66d1913-JGoodin]
Subject: RE: HAC QFRs- assignments and process - CHANGE IN PLANS
Attachments: HAC CAL-01-02 WOTUS EO.docx; HAC AMO-04 WOTUS.docx

Hi Kristie,
Here are my edits to the two QFRs. Thanks for drafting.

Mindy

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

From: Moore, Kristie
Sent: Wednesday, June 28, 2017 7:04 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Weinstock, Larry <Weinstock.Larry@epa.gov>; McDavit, Michael W. <Mcdavit.Michael@epa.gov>
Cc: Brown, Robert <Brown.Robert@epa.gov>; Chancey, Barbara <Chancey.Barbara@epa.gov>; Connors, Sandra <Connors.Sandra@epa.gov>; Goodin, John <Goodin.John@epa.gov>
Subject: FW: HAC QFRs- assignments and process - CHANGE IN PLANS

Mindy and Larry,

Carol sent a note that the Policy Team is no longer drafting responses to the QFRs. They've kicked the responsibility back to us. I've tried to draft responses to the WOTUS QFRs. Please edit as necessary and get back to both Bob and me by today. If possible, please try to get back to us by 3:00. I know this is late notice so if you need more time, let us know.

Sorry for the confusion.

Kristie

Kristie M. Moore
Office of Wetlands Oceans and Watersheds
U.S. Environmental Protection Agency
EPA West
1200 Pennsylvania Ave., NW
MC-4501 T
Washington, DC, 20460
office: (202) 566-1616
fax: (202) 566-1544

From: Fontaine, Tim
Sent: Tuesday, June 27, 2017 4:34 PM
To: OW Budget Officers <OW_Budget_Officers@epa.gov>
Cc: Drummond, Laura <Drummond.Laura@epa.gov>; King, RyanM <King.RyanM@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>; Woods, Terry <Woods.Terry@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Orvin, Chris <Orvin.Chris@epa.gov>; Upton, Jennifer <Upton.Jennifer@epa.gov>
Subject: FW: HAC QFRs- assignments and process - noon Friday deadline

OW Budget Officers,

There is a change in the process for the HAC QFRs. We will be on the hook for the questions that had been assigned to the policy team. Our assignment list will be updated.

Tim Fontaine
EPA Office of Water
(202) 564-0318

From: Terris, Carol
Sent: Tuesday, June 27, 2017 4:29 PM
To: OCFO-SBO <OCFOSBO@epa.gov>
Cc: Volin, Phyllis <Volin.Phyllis@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; Beg, Gul <Gul.Beg@epa.gov>; Nguyen, Khanh <Nguyen.Khanh@epa.gov>
Subject: RE: HAC QFRs- assignments and process - noon Friday deadline

Hi everyone,

I am sorry to say the policy team will **not** be able to prepare the responses as outlined last night. I do apologize for the confusion and the inconvenience.

Please re-start your internal work for the responses highlighted and assigned to the policy team.

We are updating assignments and the overall sheet. We will also update the lotuse notes database.

Again, sorry about the confusion!

From: Terris, Carol
Sent: Monday, June 26, 2017 9:48 PM
To: OCFO-SBO <OCFOSBO@epa.gov>
Cc: Volin, Phyllis <Volin.Phyllis@epa.gov>; OCFO-SBO-STAFF <OCFOSBOSTAFF@epa.gov>; Beg, Gul <Gul.Beg@epa.gov>; Nguyen, Khanh <Nguyen.Khanh@epa.gov>
Subject: HAC QFRs- assignments and process - noon Friday deadline

Hi Everyone

In consultation with the policy team we are adjusting qfr assignments.

The House is under a very tight deadline -as you know they must complete their 'record' before voting on the proposed appropriation and they have a goal of completing their process before August recess.

Our responses are due to them by July 12. To work around the holiday and provide OMB review time we ask that you please send your responses by noon this Friday. If you can finish any earlier that would be much appreciated.

The policy team will prepare responses for the questions highlighted in yellow. In some cases they may need some specific information such as costs and they will reach out.

The office of budget will prepare responses for some of the broad budget questions, highlighted in blue. For the workforce and facilities related questions we'll coordinate with OARM.

We've also inserted NPM assignments in bold italics - including some that are shared - to provide clarification/confirmation of assignments since members co-mingled some issues.

Please work with media analysts if any questions. We are working to enter these in the lotus notes database.

Many thanks!

To: Kwok, Rose[Kwok.Rose@epa.gov]
From: Eisenberg, Mindy
Sent: Tue 6/27/2017 1:16:01 PM
Subject: RE: FRN
WOTUS Draft Proposed Rule (OMB 06-26-17).docx

Moving too fast.

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Kwok, Rose
Sent: Tuesday, June 27, 2017 9:15 AM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Subject: Re: FRN

There isn't an attachment to your last email

Sent from my iPhone

On Jun 27, 2017, at 9:14 AM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Done! Please use this version. Vlad caught a mistake I made.

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Kwok, Rose

Sent: Tuesday, June 27, 2017 9:06 AM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Subject: Re: FRN

Will do

On Jun 27, 2017, at 8:46 AM, Eisenberg, Mindy <Eisenberg.Mindy@epa.gov> wrote:

Hey Rose,

Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

clean this up and format it for signature/FR?

In the meantime, can you

Thanks!

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

<WOTUS Draft Proposed Rule (OMB 06-26-17).docx>

<WOTUS Draft Proposed EA (OMB 06-26-17) (002).docx>

To: Kwok, Rose[Kwok.Rose@epa.gov]
From: Eisenberg, Mindy
Sent: Tue 6/27/2017 12:46:57 PM
Subject: FRN
WOTUS Draft Proposed Rule (OMB 06-26-17).docx
WOTUS Draft Proposed EA (OMB 06-26-17) (002).docx

Hey Rose,

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Deliberative Process / Ex. 5

In the meantime, can you clean this up and format it for signature/FR?

Thanks!

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

To: Neugeboren, Steven[Neugeboren.Steven@epa.gov]; Wehling, Carrie[Wehling.Carrie@epa.gov]; Kupchan, Simma[Kupchan.Simma@epa.gov]
Cc: McGartland, Al[McGartland.Al@epa.gov]; Hewitt, Julie[Hewitt.Julie@epa.gov]; Goodin, John[Goodin.John@epa.gov]; Rees, Sarah[rees.sarah@epa.gov]; Nickerson, William[Nickerson.William@epa.gov]
From: Eisenberg, Mindy[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=CFB4C26BB6F44C7DB69F9884628B3EF9-EISENBERG, MINDY]
Sent: Tue 6/27/2017 12:34:57 AM (UTC)
Subject: FW: Updated Documents from OMB
[WOTUS Draft Proposed Rule \(OMB 06-26-17\).docx](#)
[WOTUS Draft Proposed EA \(OMB 06-26-17\).docx](#)

Attorney Client / Deliberative Process / Ex. 5

Thanks!

Mindy Eisenberg
Acting Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4502T
Washington, DC 20460
(202) 566-1290
eisenberg.mindy@epa.gov

-----Original Message-----

From: Dorjets, Vlad EOP/OMB [mailto:[EOP / Ex. 6](#)]
Sent: Monday, June 26, 2017 7:20 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>; Laity, Jim A. EOP/OMB <[EOP / Ex. 6](#)>
Subject: Updated Documents
Importance: High

Updated documents are attached. I may be in Jim's office so please call me or him [EOP / Ex. 6](#) if you have any questions.

To: Rappoli, Brian[Rappoli.Brian@epa.gov]
From: Eisenberg, Mindy
Sent: Tue 6/27/2017 12:19:43 AM
Subject: FW: Agendas for Industry Stakeholder Meeting (6.28)
[Industry Stakeholder Meeting Agenda 6.28.17.docx](#)
[Industry Stakeholder Meeting Agenda 6.28.17 \(ANNOTATED\).docx](#)

Hey Brian,

Please see Caroline's email below about preparing John for the standing OW meeting with industry stakeholders. Are you familiar with what the industry folks are asking about? Could you please send me talking points for John by noon-ish? He didn't know what this is and we weren't sure if this is the same thing as your interagency workgroup.

Thanks much!

Mindy

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Klos, Caroline
Sent: Monday, June 26, 2017 6:24 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Robiou, Grace <Robiou.Grace@epa.gov>
Cc: Goodin, John <Goodin.John@epa.gov>
Subject: FW: Agendas for Industry Stakeholder Meeting (6.28)
Importance: High

Please see attached agenda for Wednesday. There is an item that John would like a talking point for ASAP:

- The Status (and lead staff) for the Interagency Task Force on Ocean Acidification

The meeting is on Wednesday, so he would like to get something by Tuesday June 27th at 3:00. Thanks, and sorry for the short turnaround time. We were not aware this was on the agenda.

Caroline Mixon Klos

Environmental Protection Agency

Office of Wetlands, Oceans & Watersheds

Office: 202-564-3029 room 7417D West

Telework: Personal Phone / Ex. 6

From: Thomas, Latosha

Sent: Monday, June 26, 2017 5:26 PM

To: Forsgren, Lee <Forsgren.Lee@epa.gov>; Shapiro, Mike <Shapiro.Mike@epa.gov>; Best-Wong, Benita <Best-Wong.Benita@epa.gov>; Goodin, John <Goodin.John@epa.gov>; Klos, Caroline <Klos.caroline@epa.gov>; Grevatt, Peter <Grevatt.Peter@epa.gov>; Wadlington, Christina <Wadlington.Christina@epa.gov>; Southerland, Elizabeth <Southerland.Elizabeth@epa.gov>; Christensen, Christina <Christensen.Christina@epa.gov>; Sawyers, Andrew <Sawyers.Andrew@epa.gov>; Farris, Erika D. <Farris.Erika@epa.gov>; Campbell, Ann <Campbell.Ann@epa.gov>; Christensen, Damaris <Christensen.Damaris@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Spraul, Greg <Spraul.Greg@epa.gov>; Peck, Gregory <Peck.Gregory@epa.gov>; Drinkard, Andrea <Drinkard.Andrea@epa.gov>

Subject: Agendas for Industry Stakeholder Meeting (6.28)

Hi All,

Here are the draft agendas for Wednesday's industry stakeholder meeting. Please be aware that we still need TPs for two of the highlighted items in the annotated version. If you have any additional changes or comments, please let me know. Thanks!

Latosha Thomas

U.S. Environmental Protection Agency

Office of Water (On Detail)

(202) 564-0211 (desk)

Personal Phone / Ex. 6 (cell)

thomas.latosha@epa.gov

To: Hewitt, Julie[Hewitt.Julie@epa.gov]; McGartland, Al[McGartland.Al@epa.gov]; Massey, Matt[Massey.Matt@epa.gov];
Marten, Alex[Marten.Alex@epa.gov]
From: Eisenberg, Mindy
Sent: Mon 6/26/2017 11:43:57 PM
Subject: Fwd: Updated Documents
[WOTUS Draft Proposed Rule \(OMB 06-26-17\).docx](#)
[ATT00001.htm](#)
[WOTUS Draft Proposed EA \(OMB 06-26-17\).docx](#)
[ATT00002.htm](#)

Sent from my iPhone

Begin forwarded message:

From: "Dorjets, Vlad EOP/OMB" <[REDACTED]>
Date: June 26, 2017 at 7:19:55 PM EDT
To: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>
Cc: "Goodin, John" <Goodin.John@epa.gov>, "Laity, Jim A. EOP/OMB" <[REDACTED]>
Subject: Updated Documents

EOP / Ex. 6

EOP / Ex. 6

Updated documents are attached. I may be in Jim's office so please call me or him [REDACTED] if you have any questions.

EOP / Ex. 6

To: Rees, Sarah[rees.sarah@epa.gov]
From: Eisenberg, Mindy
Sent: Mon 6/26/2017 11:29:10 PM
Subject: Fwd: Updated Documents
WOTUS Draft Proposed Rule (OMB 06-26-17).docx
ATT00001.htm
WOTUS Draft Proposed EA (OMB 06-26-17).docx
ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: "Dorjets, Vlad EOP/OMB" <[REDACTED]> **EOP / Ex. 6**

Date: June 26, 2017 at 7:19:55 PM EDT

To: "Eisenberg, Mindy" <Eisenberg.Mindy@epa.gov>

Cc: "Goodin, John" <Goodin.John@epa.gov>, "Laity, Jim A. EOP/OMB" <[REDACTED]> **EOP / Ex. 6**

Subject: Updated Documents

Updated documents are attached. I may be in Jim's office so please call me or him [REDACTED] **EOP / Ex. 6** if you have any questions.

To: Shapiro, Mike[Shapiro.Mike@epa.gov]; Goodin, John[Goodin.John@epa.gov]
From: Eisenberg, Mindy
Sent: Mon 6/26/2017 7:37:33 PM
Subject: FW: Final WOTUS Step 1 Edits
WOTUS Draft Proposed Rule (OMB 06-23-17) EPA 6.26.17.docx
WOTUS Draft Proposed EA (OMB 06-23-17) Response to OMB Comments.docx

FYI

Mindy Eisenberg

Acting Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4502T

Washington, DC 20460

(202) 566-1290

eisenberg.mindy@epa.gov

From: Dravis, Samantha

Sent: Monday, June 26, 2017 3:32 PM

To: Laity, Jim A. EOP/OMB [redacted] EOP / Ex. 6 [redacted] EOP / Ex. 6
Campau, Anthony P. EOP/OMB [redacted] EOP / Ex. 6 [redacted] Mancini, Dominic J.
EOP/OMB [redacted] EOP / Ex. 6 [redacted]

Cc: Greenwalt, Sarah <greenwalt.sarah@epa.gov>; Fotouhi, David <fotouhi.david@epa.gov>;
Bolen, Brittany <bolen.brittany@epa.gov>; Rees, Sarah <rees.sarah@epa.gov>; McGartland, Al
<McGartland.Al@epa.gov>; Catanzaro, Michael J. EOP/WHO

[redacted] EOP / Ex. 6 [redacted]; Moran, John S. EOP/WHO
[redacted] EOP / Ex. 6 [redacted] Jackson, Ryan <jackson.ryan@epa.gov>; Eisenberg, Mindy
<Eisenberg.Mindy@epa.gov>; Schwab, Justin <schwab.justin@epa.gov>

Subject: Final WOTUS Step 1 Edits

Team OMB,

Attached are the Preamble/rule and the Economic Analysis, both revised based on the interagency discussions and comments we have received.

Part of our discussion today centered on the edits to the preamble. When we found similar language in the RIA we made identical changes there as well. We are still anticipating OMB closing this out today. We look forward to your clearance and moving forward with this rule.

Best,

Samantha